

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

YESENIA GUITRON; and JUDI KLOSEK,

Plaintiffs,

v.

WELLS FARGO BANK, N.A.; WELLS
FARGO & CO.; PAM RUBIO; and DOES
1-20,

Defendants.

No. C 10-3461 CW

ORDER GRANTING IN
PART DEFENDANTS'
EX PARTE MOTION TO
STRIKE, SETTING
BRIEFING SCHEDULE,
CONTINUING MOTION
HEARING AND CASE
MANAGEMENT
CONFERENCE AND
VACATING PRETRIAL
AND TRIAL DATES
(Docket No. 111)

Defendants Wells Fargo Bank, N.A., Wells Fargo & Co. and Pam
Rubio seek to strike certain documents filed by Plaintiffs Yesenia
Guitron and Judi Klosek on December 22, 2011.

Pursuant to the Court's Order of November 17, 2011,
Defendants' reply to Plaintiffs' response to their motion for
summary judgment was due by December 15, 2011. Defendants filed
their reply by that deadline. A week later, on December 22, 2011,
Plaintiffs filed, among other things, a Notice of Errata, an
Amended Response in opposition to Defendants' Motion for Summary
Judgment and supplemental exhibits in support of their amended
response.

Plaintiffs did not seek or obtain leave of the Court prior to
filing these additional documents. See Civil Local Rule 7-3(d)
("Once a reply is filed, no additional memoranda, papers or


1 letters may be filed without prior Court approval" unless new
2 evidence was submitted in the reply or a relevant new judicial
3 opinion is published). Further, Exhibit A to the notice of
4 errata, which purports to show the changes between Plaintiffs'
5 original and amended responses, does not accurately reflect these
6 changes.

7
8 Accordingly, the Court GRANTS in part Defendants' motion to
9 strike (Docket No. 111) and STRIKES Plaintiffs' Notice of Errata
10 (Docket No. 106). Plaintiffs are granted leave to file an amended
11 Notice of Errata containing a corrected version of Exhibit A
12 within two days of the date of this Order. Defendants may file a
13 supplementary reply to Plaintiffs' amended opposition within five
14 days thereafter. Defendants' supplementary reply shall not exceed
15 seven pages and shall only contain arguments that Defendants could
16 not have made prior to filing their original reply.

17
18 The hearing on Defendants' motion for summary judgment and
19 motion to sever and the case management conference, currently set
20 for January 5, 2012 at 2:00 p.m., are hereby CONTINUED to January
21 19, 2012 at 2:00 p.m. The pretrial and trial dates are hereby
22 VACATED and shall be reset at the case management conference.

23
24 IT IS SO ORDERED.

25
26 Dated: 1/3/2012

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CLAUDIA WILKEN
United States District Judge